

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FIVE SPRINGS LLC,

Plaintiff,

v.

IOTA VIOLET LLC, *et al.*,

Defendants.

Case No. 2:15-cv-02280-APG-PAL

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER**

(Dkt. #1-3)

Plaintiff Five Springs LLC filed suit in Nevada state court and moved for a temporary restraining order to block a constable's sale of property located at 34 Quail Hollow Drive in Henderson, Nevada. The notice of the constable's sale states that it is being conducted by virtue of a writ of execution issued by the United States District Court for the District of Nevada in civil case 2:10-cv-00439-JCM-VCF. (Dkt. #1-3 at 116.) Prior to the state court holding a hearing on the motion, the defendants removed the action to this court.

I deny the motion without prejudice. The writ authorizing the sale was issued by United States District Judge Mahan. That is obvious from the face of the Notice. Five Springs' filing of this action in state court instead of intervening in Judge Mahan's case smacks of forum shopping. The appropriate avenue for relief is to seek to intervene in the lawsuit out of which the writ arose rather than asking a state court judge (or me) to interpret and interfere with Judge Mahan's orders.

IT IS THEREFORE ORDERED that plaintiff Five Springs LLC's application for temporary restraining order (Dkt. #1-3) is DENIED without prejudice to intervene and seek injunctive relief in case number 2:10-cv-00439-JCM-VCF.

DATED this 3rd day of December, 2015.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE